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MY TRIAL IN RUSSIA

# American Spy Suspect Is Told Of 'Rights' Under Soviet Code

By MARK KAMINSKY

(As Told to Peter Hahn)

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—I was sitting in the sound-proof interrogation chamber of the Russian secret police headquarters at Kiev, stunned by what my questioner, Col. Lysenko, had just told me: I was suspected of having violated Article 2 of the Soviet criminal code, dealing with "especially dangerous crimes against the state."

It was the article dealing with espionage.

I had just been flown to Kiev "for further investigation" of my case. The interrogators wanted to find out more about why I had tried to take the wrong check-point to leave the country, and why I had kept a note book and diary during a month-long motor trip through Western Russia. My friend and traveling companion, Harvey Bennett, was being held as a material witness, confined to his hotel room.

Now I was informed that the Soviet government had ordered my arrest.

## Spoke in Russian

In addition to Col. Lysenko, a lieutenant colonel from the Red Army's judge advocate general's office had been assigned to investigate the "military aspects" of my case. His name was Arakchayev. He, too, was present, together with an interpreter named Adamski.

My questioners asked me whether I wanted to speak English or Russian during the interrogation. I said I would just as soon speak in their language, and would need an interpreter only for the clarification of the fine points of Soviet law.

Lysenko said that what was happening now was an "official inquiry," and that everything I said from this moment on would be considered evidence and could be used against me.

Then, Arakchayev pulled out a gray-bound copy of the "Soviet criminal code," and began to read to me my "rights" as a suspect. Among them were:

Mr. Kaminsky, who teaches the Russian language at Purdue University, was lingering in a Russian jail a little over two weeks ago, wondering whether he would ever see a fellow American again. This is the fourth of five articles by the first American to return from Russia after being tried and convicted of espionage.

1.—I had the "right" to answer all questions. But no mention was made of a right to refuse an answer.

2.—I had the "right" to admit my guilt. When I asked about the Fifth Amendment, or a similar provision under Soviet law, my question was brushed off as "capitalist nonsense."

3.—I had the "right" to complain about unfair treatment by the interrogators. But their previous attitudes already had demonstrated how much good this "right" would do me.

## Own Counsel, They Say

I then asked about my right for counsel, and about my right to see a representative of the United States Embassy.

Lysenko answered: "You have a head on your shoulder. You are your own counsel in this investigation. And as for seeing someone of your Embassy, the answer is—No!"

This opening exchange, and a repetition of my personal history, all strictly for the record, took up most of my first afternoon at KGB headquarters.

Later that night I was led to the prison bathroom in an adjoining building. It was a large room with several metal shower stalls. When taking a shower, the prisoner is locked inside a stall, handed a bar of GI soap, and the guards turn on the water from the outside.

After the shower, I was handed my "kit," consisting of sheets, a pillow case, and two towels, and led back to the cell block. The guards opened one of the padlocked doors, and I stood inside the 6-by-10-foot hole which was to be my home for the next 40 days: Cell No. 35, Voldamir street, third entrance.

The guard assigned to me, a surly individual, said: "We don't expect any trouble from you," meaning you-stay-in-line.

and - you - won't - get - hurt. I looked around. There was a cast-iron cot, a rather ornate affair with lion's claws holding the metal frame, a night table, a stool and some shelves.

My inquiry about basic needs was met with a silent gesture toward a crude bucket standing in a corner. But all told, the cell was clean.

## Alone to Think and Worry

The guard handed me two bowls for food, a tea pot, and a metal cup. He also gave me a wooden spoon. Then he left, closing the heavy steel door quietly behind him.

I was alone for the first time since my detention. Alone to think, alone to worry, more alone than I had ever been. Moscow, the United States Embassy, my family, even Harvey Bennett, only a few miles away, seemed hopelessly removed from the reality of this Soviet prison.

Ten minutes later, a small peephole was opened in the door and a woman asked me for my food containers, returning them with a nondescript meal. I cannot remember what I ate. I was nervous

and tense as I swallowed a few mouthfuls.

Then I made my bed and went to sleep. I surprised myself by sleeping like a log—once I had accustomed my eyes to the glare of the 100-watt bulb glaring straight down.

I was awakened by a guard banging on my door and yelling "padyom!"—get up!

The prison routine never varied: Wakening at daybreak, toilet buckets emptied at 7 a.m. and 7 p.m., breakfast at 8, an hour's exercise at 9—although my exercise was carried out in isolation from other prisoners.

(During my entire detention, I never saw other victims of the KGB. But I heard them, pacing above me at night. Sometimes, there would be a thudding overhead, as if someone was banging furniture on the floor of a cell. And—I don't know whether I imagined them or not—but at times I thought I heard faint screams from nearby.)

## No Longer Bullied

Each day there were ceaseless rounds of interrogation and "depositions." But now the

line of questioning had changed. No longer was I being bullied. My questioners had split into a neat team, tossing the ball of fictional fact and emotional attack skillfully back and forth between them—with me in the middle.

The nine-day ordeal with "Grindstone," my tormenter at Uzhgorod, already had broken down most of my mental resistance and left me confused. Col. Lysenko and Col. Arakchayev knew that by now I had been made to feel guilty of a crime I had not committed. And they started dangling the lure of a "glorious life" in the Soviet Union before my eyes.

"You are a fine physical specimen," they would say. "Once you have paid your debt to Soviet society, why not stay here? We shall provide you with a decent job. Wouldn't you like to stay?"

Alone in my cell, away from the questioners and their tormentors, I could think only of one thing: How I could get out of Russia. Would I ever see my home town, my parents, my girl again?

I even thought of suicide.

Then on Sunday, September 4, after a 10-hour interrogation, Lysenko gave me electrifying news: He told me that I was to appear the next day before the prosecutor who would "prepare my case" and who would decide whether I was to be tried for my suspected crime against the Soviet state: Espionage.

(Next: My Trial and Conviction.)